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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, NOVEMBER 4, 1997

At the relation of the
STATE CORPORATION COMMISSION

CASE NO. PUC970173

Ex Parte: In the matter of
revising Rules for Pay
Telephone Service and
Instruments pursuant to the
Pay Telephone Registration Act

ORDER PRESCRIBING NOTICE

By order of November 24, 1993, in Case No. PUC930013, the Commission adopted Rules for Pay Telephone Service and Instruments ("Rules"). On February 8, 1996, § 276 of the Telecommunications Act of 1996, 47 U.S.C. § 276, was enacted and thereafter the Federal Communications Commission ("FCC") adopted regulations that, among other things, required that the pay telephone instruments of all service providers, including those of local exchange carriers ("LECs") be treated in a nondiscriminatory and equal manner similar to the pay telephone instruments owned and operated by private pay telephone providers.

In light of the FCC regulations, the Commission's Division of Communications has proposed revisions to the Rules designed to eliminate disparities between pay phone service as provided by LECs and as provided by the companies formerly known as private pay telephone providers.

Having reviewed its Staff's proposed revisions, the Commission finds that these revisions do not directly affect the general public. Instead, the revisions affect only providers and potential providers of pay phone service. Therefore, the Commission is of the opinion that this matter

should be docketed; that notice of the proposed rule revisions be published in the Virginia Register of Regulations, and that direct mail notice should be furnished to Virginia's LECS, Virginia certificated interexchange carriers, and Virginia's private pay telephone providers.

Accordingly, IT IS THEREFORE ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUC970173.
- (2) The Commission's Division of Communications shall forthwith mail a copy of the following notice, along with the proposed revisions, to the LECs regulated by the State Corporation Commission, to certificated interexchange carriers certificated by the State Corporation Commission, and to the registered pay telephone providers registered with the Commission, at the addresses set forth in Appendices A, B, and C and cause the following notice to be forwarded for publication in the Virginia Register of Regulations:

NOTICE OF PROPOSED REVISIONS TO RULES FOR PAY
TELEPHONE SERVICE AND INSTRUMENTS
CASE NO. PUC970173

On November 24, 1993, the Virginia State Corporation Commission ("SCC") adopted Rules for Pay Telephone Company Service and Instruments ("Rules") pursuant to the provisions of SS 56-508.15 and 56-508.16 of the Code of Virginia. The Rules have been substantially affected by the enactment of § 276 of the Telecommunications Act of 1996, 47 U.S.C. § 276, and rules promulgated by the Federal Communications Commission pursuant to that act. In order to eliminate certain disparities between the pay telephone instruments furnished by local exchange telephone companies and those furnished by private pay telephone providers, the SCC,s Division of Communications has proposed revisions to the Rules.

The revisions prepared by the Division of Communications should affect pay telephone service providers and not the general public. The Commission invites comments from providers and interested members of the public concerning the proposed revisions on or before November 25, 1997. Comments or requests for hearing concerning the revisions must be filed with the Clerk of the SCC, William J. Bridge, P.O. Box 2118, Richmond, Virginia 23218, on or before that date referring to Case No. PUC970173. If no substantial objections or requests for hearing are received by that date,

the Commission may adopt the proposed revisions without the necessity of conducting a hearing.

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(3) Comments or requests for hearing on the proposed revisions must be filed with the Clerk of the Commission on or before November 25, 1997.

(4) If no substantial objections or requests for hearing are filed on or before November 25, 1997, the Commission may adopt the proposed revisions to Rules for Pay Telephone Service and Instruments without the necessity of conducting a hearing.